



Patent
Attorney Docket No. 042049-0107

FFW

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Andre JESTIN et al.
Title: CIRCOVIRUS SEQUENCES ASSOCIATED
WITH PIGLET WEIGHT LOSS DISEASE
(PWD)
Appl. No.: 10/718,266
Filing Date: 11-21-2003
Examiner: AR Salimi
Art Unit: 1648

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In a restriction requirement dated January 26, 2005, the Examiner required restriction under 35 U.S.C. § 121 between the following list of claims:

- I. Claims 1, 8, 13-15, drawn to a method of growing circovirus, classified in class 435, subclass 235.1;
- II. Claims 2 and 9, drawn to a method of neutralizing or removing circovirus from biological material, classified in class 435, subclass 5;
- III. Claims 3 and 10, drawn to a method of detecting and quantifying antibodies directed against circovirus, classified in class 435, subclass 7.92;
- IV. Claim 4, drawn to a method of detecting and quantifying circovirus antigen, classified in class 435, subclass 7.95;
- V. Claims 5 and 11, drawn to inactivated or avirulent circoviruses vaccine, classified in class 424, subclass 815;
- VI. Claims 6 and 12, drawn to diagnostic kit, classified in class 435, subclass 975; and
- VII. Claim 7, drawn to use of circovirus for manufacturing pharmaceutical, classified in class 436, subclass 524.

Applicants provisionally elect, with traverse, to prosecute Group III, claims 3 and 10, drawn to a method of detecting and quantifying antibodies directed against circovirus, classified in class 435, subclass 7.92. It is respectfully submitted that the evidence and explanation fail to establish a serious burden upon which a restriction requirement must be based.

Moreover, the Examiner is respectfully requested to consider the references cited on the attached IDS and those filed May 14, 2004, and November 21, 2003, too.

Please contact the undersigned attorney if any matters may be resolved by a telephone conference. Alternatively, please contact Sean A. Passino (45,943) at 202-295-4166.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date 02-26-2005

FOLEY & LARDNER, LLP
Telephone: (202) 672-5569
Facsimile: (202) 672-5399

By Stephen B. Maebius (45,943) FOR
SEAN A. PASSINO

Stephen B. Maebius
Attorney for Applicants
Registration No. 35,264